

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 24-01379-SPG-SK

Date February 21, 2025

Title Boustead Securities, LLC v. U-BX Beijing Technology Co., Ltd.

Present: The Honorable SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

Patricia Gomez

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceeding: (IN CHAMBERS) ORDER TO SHOW CAUSE

On June 21, 2024, Plaintiff Boustead Securities, LLC (“Plaintiff”) filed this action. (ECF No. 1). On September 4, 2024, this Court issued an Order to Show Cause why this case should not be dismissed due to lack of prosecution. (ECF No. 10). On September 18, 2024, Plaintiff filed “Response to the Order to Show Cause and Request to Extend Time Limit for Service Abroad Under the Hague Convention Pursuant to Federal Rules of Civil Procedure 4(h)(2) and 4(f)(1).” (ECF No. 11 (“Request”)). The Request notes that Defendant U-BX Beijing Technology Co., Ltd. is a foreign corporation formed under the laws of the People’s Republic of China and incorporated in the Cayman Islands. (Request at 2).

Plaintiff seeks to serve Defendant under the Hague Convention pursuant to Federal Rules of Civil Procedure 4(h)(2) and 4(f)(1). Thus, the time limit to effectuate service after filing of the Complaint contained in Federal Rule of Civil Procedure 4(m) does not apply. See Fed. R. Civ. P. 4(m) (“This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).”); see also *Lucas v. Natoli*, 936 F.2d 432, 432–33 (9th Cir. 1991) (“[T]he plain language of [Rule 4(m)] makes the [service deadline] inapplicable to service in a foreign country.”). That said, the Court is not “precluded from setting a reasonable time limit for service in a foreign country to properly manage a civil case.” *Baja Devs. LLC v. TSD Loreto Partners*, 2009 WL 2762050, at *1 (D. Ariz. Aug. 28, 2009) (citation omitted); see also *Sport Lisboa e Benfica - Futebol SAD v. Doe 1*, 2018 WL 4043182, at *4 (C.D. Cal. Aug. 21, 2018) (“[T]he amount of time allowed for foreign service is not unlimited.”) (internal quotation and citation omitted)).

Accordingly, the Court DENIES as MOOT Plaintiff’s Request. While the Court will not set a time limit at this time for service of Defendant, the Court ORDERS Plaintiff to file a status report within thirty (30) calendar days of this Order to Show Cause regarding its efforts to effectuate service on Defendant. Plaintiff may alternatively satisfy this Order to Show Cause by filing a Notice of Dismissal pursuant to Rule 41(a)(1)(A)(i). Plaintiff’s non-response to this

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Order to Show Cause within the time frame above will be deemed consent to dismissal without prejudice.

IT IS SO ORDERED.

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